

110TH CONGRESS
2D SESSION

H. R. 6823

To provide for the acquisition of advanced biofuels for the Strategic Petroleum Reserve, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2008

Mr. REICHERT introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide for the acquisition of advanced biofuels for the Strategic Petroleum Reserve, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Promoting Real Oppor-
5 tunities for Energy Security Act” or the “PRO Energy
6 Security Act”.

7 **SEC. 2. AUTHORITY.**

8 If the average weighted price of oil exceeds \$75 per
9 barrel for 3 consecutive days, the Secretary of Energy is

1 authorized to acquire advanced biofuels for the purpose
2 of filling the Strategic Petroleum Reserve.

3 **SEC. 3. STUDY.**

4 Not later than 2 years after the date of enactment
5 of this Act, the Secretary of Energy, in conjunction with
6 the Secretary of Transportation, the Secretary of Com-
7 merce, and the Secretary of Defense, and in consultation
8 of the Administrator of the Environmental Protection
9 Agency, shall transmit to the Committee on Science and
10 Technology, the Committee on Transportation and Infra-
11 structure, and the Committee on Energy and Commerce
12 of the House of Representatives, and to the Committee
13 on Energy and Natural Resources and the Committee on
14 Environment and Public Works of the Senate, a report
15 containing—

16 (1) a description of how the Secretary of En-
17 ergy will carry out section 2; and

18 (2) recommendations for criteria and proce-
19 dures for making advanced biofuels available from
20 the Strategic Petroleum Reserve to appropriate Fed-
21 eral and non-Federal entities.

22 **SEC. 4. DEFINITIONS.**

23 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) ADVANCED BIOFUEL.—

5 (A) IN GENERAL.—The term “advanced
6 biofuel” means renewable fuel, other than eth-
7 anol derived from corn starch, that has lifecycle
8 greenhouse gas emissions, as determined by the
9 Administrator, after notice and opportunity for
10 comment, that are at least 50 percent less than
11 baseline lifecycle greenhouse gas emissions.

12 (B) INCLUSIONS.—The types of fuels eligi-
13 ble for consideration as “advanced biofuel” may
14 include any of the following:

15 (i) Ethanol derived from cellulose,
16 hemicellulose, or lignin.

17 (ii) Ethanol derived from sugar or
18 starch (other than corn starch).

19 (iii) Ethanol derived from waste mate-
20 rial, including crop residue, other vegeta-
21 tive waste material, animal waste, food
22 waste, and yard waste.

23 (iv) Biomass-based diesel.

24 (v) Biogas (including landfill gas and
25 sewage waste treatment gas) produced

1 through the conversion of organic matter
2 from renewable biomass.

3 (vi) Butanol or other alcohols pro-
4 duced through the conversion of organic
5 matter from renewable biomass.

6 (vii) Other fuel derived from cellulosic
7 biomass.

8 (3) BASELINE LIFECYCLE GREENHOUSE GAS
9 EMISSIONS.—The term “baseline lifecycle green-
10 house gas emissions” means the average lifecycle
11 greenhouse gas emissions, as determined by the Ad-
12 ministrator, after notice and opportunity for com-
13 ment, for gasoline or diesel (whichever is being re-
14 placed by the renewable fuel) sold or distributed as
15 transportation fuel in 2005.

16 (4) BIOMASS-BASED DIESEL.—The term “bio-
17 mass-based diesel” means renewable fuel that is bio-
18 diesel as defined in section 312(f) of the Energy Pol-
19 icy Act of 1992 (42 U.S.C. 13220(f)) and that has
20 lifecycle greenhouse gas emissions, as determined by
21 the Administrator, after notice and opportunity for
22 comment, that are at least 50 percent less than the
23 baseline lifecycle greenhouse gas emissions. Notwith-
24 standing the preceding sentence, renewable fuel de-
25 rived from coprocessing biomass with a petroleum

1 feedstock shall be advanced biofuel if it meets the
2 requirements of subparagraph (B), but is not bio-
3 mass-based diesel.

4 (5) CELLULOSIC BIOFUEL.—The term “cel-
5 lulosic biofuel” means renewable fuel derived from
6 any cellulose, hemicellulose, or lignin that is derived
7 from renewable biomass and that has lifecycle green-
8 house gas emissions, as determined by the Adminis-
9 trator, that are at least 60 percent less than the
10 baseline lifecycle greenhouse gas emissions.

11 (6) CONVENTIONAL BIOFUEL.—The term “con-
12 ventional biofuel” means renewable fuel that is eth-
13 anol derived from corn starch.

14 (7) GREENHOUSE GAS.—The term “greenhouse
15 gas” means carbon dioxide, hydrofluorocarbons,
16 methane, nitrous oxide, perfluorocarbons, sulfur
17 hexafluoride. The Administrator may include any
18 other anthropogenically emitted gas that is deter-
19 mined by the Administrator, after notice and com-
20 ment, to contribute to global warming.

21 (8) LIFECYCLE GREENHOUSE GAS EMIS-
22 SIONS.—The term “lifecycle greenhouse gas emis-
23 sions” means the aggregate quantity of greenhouse
24 gas emissions (including direct emissions and signifi-
25 cant indirect emissions such as significant emissions

1 from land use changes), as determined by the Ad-
2 ministrator, related to the full fuel lifecycle, includ-
3 ing all stages of fuel and feedstock production and
4 distribution, from feedstock generation or extraction
5 through the distribution and delivery and use of the
6 finished fuel to the ultimate consumer, where the
7 mass values for all greenhouse gases are adjusted to
8 account for their relative global warming potential.

9 (9) RENEWABLE BIOMASS.—The term “renew-
10 able biomass” means each of the following:

11 (A) Planted crops and crop residue har-
12 vested from agricultural land cleared or cul-
13 tivated at any time prior to the enactment of
14 this sentence that is either actively managed or
15 fallow, and nonforested.

16 (B) Planted trees and tree residue from
17 actively managed tree plantations on non-Fed-
18 eral land cleared at any time prior to enactment
19 of this sentence, including land belonging to an
20 Indian tribe or an Indian individual, that is
21 held in trust by the United States or subject to
22 a restriction against alienation imposed by the
23 United States.

24 (C) Animal waste material and animal by-
25 products.

1 (D) Slash and precommercial thinnings
2 that are from non-Federal forestlands, includ-
3 ing forestlands belonging to an Indian tribe or
4 an Indian individual, that are held in trust by
5 the United States or subject to a restriction
6 against alienation imposed by the United
7 States, but not forests or forestlands that are
8 ecological communities with a global or State
9 ranking of critically imperiled, imperiled, or
10 rare pursuant to a State Natural Heritage Pro-
11 gram, old growth forest, or late successional
12 forest.

13 (E) Biomass obtained from the immediate
14 vicinity of buildings and other areas regularly
15 occupied by people, or of public infrastructure,
16 at risk from wildfire.

17 (F) Algae.

18 (G) Separated yard waste or food waste,
19 including recycled cooking and trap grease.

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